

1107 Myrtle

OCT 23 2003



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April 02, 2004

A photograph of a single-story white house with a porch. The house appears to be in poor condition, with several windows boarded up with plywood. The porch has a small roof and a railing that looks like it might be made of concrete blocks or a similar material. There is some graffiti on the wall behind the porch. A large tree is on the left side of the house, and a sidewalk runs in front of it. The overall scene suggests a neglected or abandoned property.

APR 2 2004



APR 2 2004



APR 2 2004



APR 2 2004

COUNCIL AGENDA ITEM # ____ FOR
TUESDAY, APRIL 6TH, 2004

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

March 29, 2004

TO: The Honorable Mayor and City Council

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

FROM: Tom Maguire, Housing Compliance Supervisor

SUBJECT: 1107 Myrtle Avenue (Rep. District #8)

CITY CLERK'S DEPARTMENT
2004 MAR 31 PM 3 49

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated January 2002. The building was found to be open and abandoned and in an advanced state of disrepair. The building has been used as a harborage by unwanted persons.
- 2) A certified condemnation letter was mailed to Octavio, Octillio and Luis Navarro, 1107 Myrtle Avenue, El Paso, Texas 79901.
- 3) Certified notices of the public hearing scheduled April 6th, 2004 were mailed to the owners and all interested parties on March 18th, 2004.
- 4) As of March 29th, 2004, \$18,760.52 are owed in taxes.
- 5) Since the owners have not provided our Department with any plans or documents addressing the rehabilitation of this building

The Department recommends that it be found:

- 1) That the building be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the building is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure's certificate of occupancy be revoked; and
- 4) That the structure can not be repaired; and
- 5) That the main structure be demolished within 30 days; and
- 6) That the premises be cleaned of all weeds, trash, debris and junk vehicles within 30 days.

JOE WARDY
MAYOR



**BUILDING PERMITS AND INSPECTIONS
CODE COMPLIANCE**
October 9, 2003

Octavio Navarro
Octillio & Luis Navarro
1107 Myrtle Ave
El Paso, Texas 79901-1517

Re: 1107 Myrtle Ave
Lot: 19 & 20
Blk: 15, Franklin Heights
Zoned: RF
COD03-14307
Certified Mail Receipt #
7003 1010 0004 5306 4260

CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING Jr.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

1107 Myrtle Ave.

- c. Boarded up, fenced, or otherwise secured in any manner in if:
 - i. The building constitutes a danger to the public even though secured entry, or
 - ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at **1107 Myrtle Ave.** has the following violations:

- a. The foundation has not been maintained in a safe manner.
- b. The floors have not been maintained in a safe manner.
- c. The walls have not been maintained in a safe manner free of holes and cracks.
- d. The roof structure has not been maintained free of defects that may cause leaks.
- e. The electrical system is inadequate and does not meet minimum code requirements.
- f. The structure is open and accessible to unauthorized entry.
- g. The structure needs to be demolished, and the premises need to be cleaned of all weeds, trash, debris and accumulations within 30 days from receipt of this letter.
- h. This case is being submitted to the City Attorney's office for unsafe structures proceedings. The City Council will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Sec. 18.52.040 of the El Paso Municipal Code.

If you have any plans, reports or current permits which pertain to the property, you must submit them prior to this hearing to Building Permits and Inspections or bring them to Council Chambers the day of the hearing. Without these documents, no extensions of the deadlines can be granted.

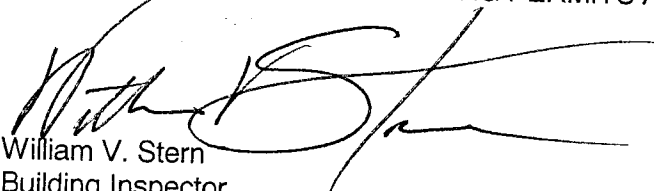
Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

1100 Myrtle Ave.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:



William V. Stern
Building Inspector

WVS/rvj

112849

AMT DUE AS OF: 20040329 ROLL R ALT OWN
OMIT(-)/SEL(+)
15 FRANKLIN HEIGHTS
19 & 20 (6000 SQ FT)

LAWSUIT 2003TX860

CUMULATIVE TOTAL	18760.52
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EL PASO CITY-COUNTY HEALTH & ENVIRONMENTAL DISTRICT**ENVIRONMENTAL HEALTH****MEMORANDUM**

DATE: December 16, 2003

MEMO TO: Bill Stern, Housing Compliance Inspector

FROM: Jorge Ramirez, Sr. Environmental Health Inspector *JR*

SUBJECT: Condemnation Report

RE: 1107 Myrtle Ave. 79901

An inspection of the property was conducted on December 16, 2003 and the conditions checked were found in violation of Title 9 - Health and Safety, El Paso Municipal Code.

SECTION 9.04 - SOLID WASTE STORAGE AREA:
N/A

SECTION 9.04.340 - ACCUMULATIONS:
Of dry vegetation, garbage and broken glass was seen throughout the area. Two abandoned vehicles were seen in the rear of the property. A small completely open shed with accumulation of junk was noted. Several full trash bags near the alleyway were also seen. Several used broken syringes were pickup.

SECTION 9.16 - NUISANCE:
Urine and fecal matter was seen and detected inside and outside the structure.

SECTION 9.16.010 - DESIGNATED:
N/A

SECTION 9.28 - RAT CONTROL:
The structure is decaying and open. The conditions mentioned are a good place for vermin harborage.

NOTE: Evidence of transients using the property was seen.
If you require additional assistance on this matter, please call me at (915) 860-2378 or Fax (915) 860-1081.

7

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 6th day of April, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 1107 Myrtle Avenue, in El Paso, Texas, which property is more particularly described as:

Lots: 19 and 20, Block 15, Franklin Heights Addition, an Addition to the City of El Paso, El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Octillio, Octavio, Luis Navarro and Richard A. Stearns, 1107 Myrtle Avenue, El Paso, Texas 79901, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

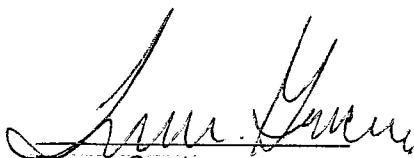
Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

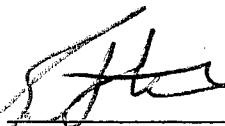
Adopted this 16th day of March, 2004.

APPROVED AS TO FORM:



Teresa Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:



R. Alan Shubert, P. E.
Building Permits and Inspections Director

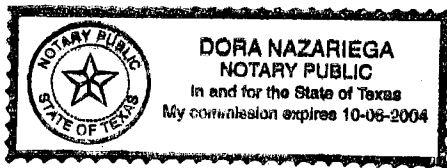
I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated March 16th, 2004 regarding the property located at 1107 Myrtle Avenue, was filed with the County Clerk's Office, the official public records of real property for El Paso County.

Diana Nuñez
for Richarda Duffy Momsen Deputy
City Clerk

Executed this 16th day of March, 2004 on behalf of
the City of El Paso, Texas, by Richarda Duffy Momsen in her capacity as City Clerk.

STATE OF TEXAS
COUNTY OF EL PASO

Subscribed and sworn to before me, this 16th day of March, 2004.



Dora Nazariega
Notary Public

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated March 16th, 2004 regarding the property located at 1107 Myrtle Avenue, was PUBLISHED in the official City newspaper on the 18th day of March, 2004.

for Diana Nunez Deputy City Clerk
Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated March 16th, 2004 regarding the property at 1107 Myrtle Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Octillio Navarro
1107 Myrtle Avenue
El Paso, Texas 79901

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated March 16th, 2004 regarding the property at 1107 Myrtle Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Octavio Navarro
1107 Myrtle Avenue
El Paso, Texas 79901

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated _____, 2004 regarding the property at _____, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Octavio Navarro
14009 Flowering Cactus Pl.
El Paso, Texas 79928

Date: _____

Time: _____

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: October 9, 2003

REP. DISTRICT: 8

ADDRESS: 1107 Myrtle Avenue

ZONED: C-4 H

LEGAL DESCRIPTION: Lots 19 & 20, Franklin Heights, Block 15

OWNER: Octavio, Octillio and Luis Navarro and Richard Stearns **ADDRESS:** 1107 Myrtle Ave.

BUILDING USE: Open and abandoned

TYPE OF CONSTRUCTION: V – Wood frame interior and roof cinder block and brick exterior

FOOTINGS: Concrete

CONDITION: Fair – However, they should be evaluated by a structural engineer.

FOUNDATION WALL: N/A

CONDITION:

FLOOR STRUCTURE: Concrete and pier and beam wood

CONDITION: Poor – Most of the floor structure will have to be repaired or replaced.

EXTERIOR WALLS: Concrete block and brick; show cracks from settlement of footing.

HEIGHT: 8'

THICKNESS: 8" – 10"

CONDITION: Fair

INTERIOR WALLS & CEILINGS: 2 x 4 wood with sheetrock or plaster

CONDITION: Poor due to damage by roof leaks and vandalism, replace as needed

ROOF STRUCTURE: Wood with asphalt shingles

CONDITION: Poor – Roof shows signs of collapse due to years of neglect and water leaks

DOORS, WINDOWS, ETC.: All doors and windows need to be replaced with code-approved units.

CONDITION: Poor - All doors and windows need to be replaced with code-approved units.

MEANS OF EGRESS: N/A

CONDITION:

PLUMBING: Poor – All plumbing must be brought up to code by a licensed plumber

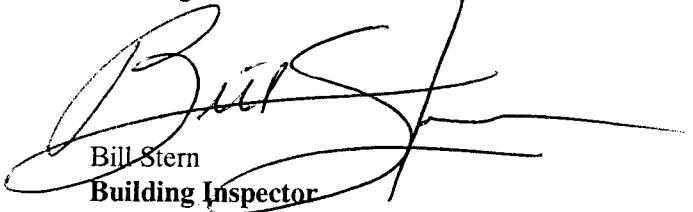
ELECTRICAL: Poor – Electrical contractor must be hired to bring the electrical system up to N. E. C. standards.

MECHANICAL: Poor – Building needs all new mechanical system installed by a licensed mechanical contractor.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0

WARNING POSTED: Yes **BARRICADED:** No **POLICE AID REQD.:** No

REMARKS: This dilapidated open and abandoned building is being occupied by vagrants, gangs and drug users. I recommend it be demolished.


Bill Stern
Building Inspector

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

BS

Richard A. Stearns
9602 Carnegie
El Paso, Texas 79925
Re: 1107 Myrtle Avenue

1st trip

Article Number
(Transfer from service label)

7003 2260 0002 9957 5500

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

BS

Octavio Navarro
14009 Flowering Cactus Pl.
El Paso, Texas 79928
Re: 1107 Myrtle Avenue

1st trip

Article Number
(Transfer from service label)

7003 2260 0002 9957 5449

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

- Signature ☐ Agent ☐ Addressee
Richard A. Stearns
- Received by (Printed Name) ☐ Date of Delivery
Richard A. Stearns
- Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

- Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
- Restricted Delivery? (Extra Fee) ☐ Yes

COMPLETE THIS SECTION ON DELIVERY

- Signature ☐ Agent ☐ Addressee
Octavio Navarro
- Received by (Printed Name) ☐ Date of Delivery
Octavio Navarro
- Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

- Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
- Restricted Delivery? (Extra Fee) ☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BS

Richard A. Stearns
3209 Lorne Rd.
El Paso, Texas 79925
Re: 1107 Myrtle Avenue

1st trip

2. Article Number
(Transfer from service label)

7003 2260 0002 9957 5470

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M

COMPLETE THIS SECTION ON DELIVERY

- Signature ☐ Agent ☐ Addressee
Richard Stearns
- Received by (Printed Name) ☐ Date of Delivery
MAR 19 2004
- Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

- Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
- Restricted Delivery? (Extra Fee) ☐ Yes